

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ANDREA M. WIKE,

Plaintiff,

vs.

**DOUGLAS COUNTY, DIANE BATTIATO,
official and individual capacity; LILIANA E.
SHANNON, official and individual capacity;
and ALAN E. SOUTH, official and individual
capacity;**

Defendants.

8:22CV355

ORDER

This matter comes before the Court on Plaintiff's Motion to Recuse Magistrate Judge ([Filing No. 24](#)). Plaintiff seeks recusal of the undersigned magistrate judge because the parties did not consent to disposition by the magistrate judge pursuant to 28 U.S.C. § 636(c)(1). However, the undersigned magistrate judge is authorized under § 636(b)(1)(A) "to hear and determine any pretrial matter pending before the court," except for dispositive matters such as motions for injunctive relief or for summary judgment. To date, the orders entered by the undersigned magistrate judge have been in regards to pretrial matters that are within his authority under § 636(b)(1)(A). The undersigned magistrate judge will continue to handle pretrial matters as authorized under § 636(b)(1)(A), and Senior Judge Joseph F. Bataillon will rule on any dispositive matters and preside over trial. The parties' lack of consent under § 636(c)(1) does not warrant the undersigned magistrate judge's recusal. Accordingly,

IT IS ORDERED that Plaintiff's Motion to Recuse Magistrate Judge ([Filing No. 24](#)) is denied.

Dated this 16th day of December, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge